



Corres. and Mail
BOX AF

Response under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2652

AF/2652
ITW

PATENT
ATTORNEY DOCKET NO.: 041514-5114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Mitsuru SATO et al.)	Confirmation No.: 4674
)	
Application No.: 09/813,898)	Group Art Unit: 2652
)	
Filed: March 22, 2001)	Examiner: P. Agustin
)	
For: TRACKING SERVO APPARATUS OF)	Mail Stop AF
OPTICAL INFORMATION RECORDING)	
AND REPRODUCING APPARATUS)	

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **Mail Stop AF**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

**NOTICE OF APPEAL TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the
decision of the Examiner dated June 2, 2004 finally rejecting claims 1 and 2.

12/02/2004 HDEMESS1 00000031 500310 09813898

01 FC:1401 340.00 DA
02 FC:1253 980.00 DA

1. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicant requests an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 430.00	\$ 215.00
<input checked="" type="checkbox"/> three months	\$ 980.00	\$ 490.00
<input type="checkbox"/> four months	\$ 1,530.00	\$ 765.00

☒ Please charge Deposit Account No. 50-0310 in the amount of **\$980.00** for the three-month extension of time fee.

If an additional extension of time is required, please consider this a Petition therefor.

2. Notice of Appeal Fee - 37 C.F.R. § 1.17(b)

☒ The Commissioner is authorized to charge the appeal fee of **\$340.00** to Deposit Account No. 50-0310.

3. Fee Payment

☒ The Commissioner is authorized to charge Deposit Account No. 50-0310 in the amount of **\$1,320.00** (for the three-month extension of time fee in the amount of \$980 and for the Notice of Appeal fee of \$340).

5. Constructive Petition

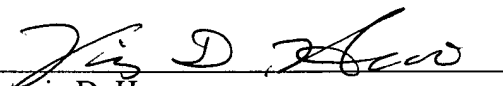
- ☒ **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: December 1, 2004

By:


Victoria D. Hao
Registration No. 47,630

CUSTOMER NO. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel: 202.739.3000
Fax.: 202.739.3100